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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,829	08/09/2001	Lisa A. LeVert		2874

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EXAMINER

MORAN, KATHERINE M

ART UNIT PAPER NUMBER

3765

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,829

Applicant(s)

LEVERT ET AL.

Examiner

Katherine M Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 7, 8, and 12 are objected to because of the following informalities: claims 7 and 8, line 3: insert "and" or "or" after "disinfectants"; claim 12, line 1: delete "consist" and insert --consists--. Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: pg.9, line 13: delete "nook" and insert --hook--; pg.10, line 2: delete "need" and insert --needed--. The specification includes many other instances of misspellings and grammatical errors. Please review the specification and correct where appropriate.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: decontaminant is a liquid and decontaminator is a powder of claims 10 and 11 respectively, are not in specification.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the number of sleeves equal to the number of fingers (claim 13) and a single sleeve used to cover multiple fingers in addition to an independent sleeve for the thumb (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 6 recite the limitation "the host". There is insufficient antecedent basis for this limitation in the claims. Claim 2 recites "the user". Claim 9 recites "the interior" in line 3.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antczak et al. (Antczak, U.S. 5,934,530) in view of Brenning, Jr. (U.S. 4,131,952). Antczak discloses the invention substantially as claimed. Antczak teaches a protective shield 53 comprising a plurality of sleeves whose first ends are open and whose second distal ends are

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closed, a palmar shield of finite extent having first and second surfaces and first and second edges, and retaining means in the form of hook and loop 19, with one of the complementary fasteners mounted on host 1 and the other mounted on the glove at the second edge of the palmar shield (Figure 1). However, Antczak does not teach finger insertion enabling means, comprising a plurality of rings, mounted in the first ends of the sleeves. Antczak also doesn't teach a shield wherein a single sleeve is used to cover multiple fingers in addition to an independent sleeve for the thumb. It is common in the art to provide hand shields with any number of finger sleeves depending upon the intended use of the glove. Brenning teaches a glove 11 with rings 24,25 mounted in first ends of the sleeves 12a-12e. The rings inherently maintain the first ends of the sleeves in an open and circular configuration, thus facilitating finger insertion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Antczak's glove with rings as taught by Brenning, to maintain the shape of the finger sleeves. It also would have been obvious to form the glove with a single sleeve to cover multiple fingers if it is desired to concentrate the gripping power of multiple fingers in one pocket.

9. Claims 1, 3, 5, 6, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson-Rabbett (JR, U.S. 5,392,974) in view of Brenning '952. JR discloses the invention substantially as claimed. JR teaches a protective shield, shown in Figure 1 and described in the specification as a sterile surgical glove, comprising a plurality of sleeves whose first ends are open and whose second distal ends are closed, a palmar shield of finite extent having first and second surfaces and first and second edges, and retaining means in the form of a portable container (shown but not labeled). The sterility of the glove counteracts the transfer of active viruses from a public surface to the wearer's hand. Surgical gloves inherently have limited

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lifetimes and are in most cases used only once at the discretion of the wearer. However, JR does not teach teach finger insertion enabling means, comprising a plurality of rings, mounted in the first ends of the sleeves. Brenning teaches a glove 11 with rings 24,25 mounted in first ends of the sleeves 12a-12e. The rings inherently maintain the first ends of the sleeves in an open and circular configuration, thus facilitating finger insertion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide JR's glove with rings as taught by Brenning, to maintain the shape of the finger sleeves.

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JR/Brenning as applied to claim 6 above, and further in view of Milner (U.S. 5,261,421). JR/Brenning discloses the invention substantially as claimed and discussed above. However, JR/Brenning does not teach means comprising disinfectants, fungicides in cooperation with a binding agent that allows one to coat the active surfaces of the protective shield. Milner '421 recites in column 2, lines 40-50 that it is known in the art to provide gloves with antimicrobial agents in a binding agent for coating the glove's surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide JR's glove with a disinfectants, fungicides in cooperation with a binding agent as taught by Milner, because this is a common method of maintaining the disinfecting integrity of the glove.

Allowable Subject Matter

11. Claims 9-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Also see any applicable claim, specification, or drawing objections noted above.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bryden (U.S. 4,852,783), Nabozny (U.S. 4,863,084), Taylor (U.S. 5,186,373), Chudy (U.S. 5,265,785), Hess (U.S. 5,947,275), Cody (Des. 427,772), Bradley (U.S. 6,688,505), and Martin (U.S. 6,694,575) teach relevant prior art.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

April 15, 2004



Katherine Moran

Primary Examiner, AU 3765